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10/775,898	02/10/2004	John J. Fowler	A2000-720120	1393
37462 7590 12/24/2008 LOWRIE, LANDO & ANASTASI, LLP ONE MAIN STREET, SUITE 1100 CAMBRIDGE, MA 02142				
EXAMINER				
GILLIS, BRIAN J				
ART UNIT		PAPER NUMBER		
2441				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ll-a.com
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Office Action Summary

Application No.

10/775,898

Applicant(s)

FOWLER ET AL.

Examiner

Brian J. Gillis

Art Unit

2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 93-114 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 93-114 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 93, 95, 97, 98, 100, and 102-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beheshti et al (US Patent #5,995,946) in view of Venkatraman et al (US Patent #6,139,177).

Claim 93 discloses an apparatus comprising: at least one sensor configured to monitor environmental conditions ambient to rack mounted computer equipment, the at least one sensor selected from a group consisting of a temperature sensor and a humidity sensor; a housing configured for mounting to an equipment rack, the housing including: a processor responsive to the at least one sensor; at least one network

interface responsive to the processor and configured for communication with a distributed computing network; a power control interface configured to access power management equipment; a web server configured to provide a web page associated with information derived from the at least one sensor; an email module configured to send notification of events associated with the at least one sensor; a simple network management protocol module configured to communicate with computer equipment external to the housing; and a modem responsive to the processor and configured to access a telephone line. Beheshti et al teaches sensors monitor environmental conditions (figure 1 and column 7, lines 53-59), a microprocessor controls the device (column 7, lines 8-28), the device includes a network interface (column 5, line 54 - column 6, line 17), the device includes a power card interface (column 5, line 54 - column 6, line 17), the devices uses SNMP to send messages (column 7, lines 29-42), and the devices includes a modem (column 5, line 54 - column 6, line 17). It fails to teach a web server configured to provide a web page associated with information derived from the sensor, an email module configured to send notification of events associated with the sensor. Venkatraman et al teaches the device's data is displayed on a web page (column 4, lines 4-10), and the notifier sends an email as an event notification (column 3, lines 54-64).

Beheshti et al and Venkatraman et al are analogous art because they are both related to event notifications.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the web page display and email notification features in

Venkatraman et al with the system in Beheshti et al because costs are reduced by having the web functionality embedded in the device (Venkatraman, column 2, lines 12-18).

Claim 95 discloses the apparatus of claim 93, further comprising a back-up power source configured to provide back-up power to the processor. Beheshti et al further teaches the device includes a battery back up for the processor (column 7, lines 8-28).

Claim 97 discloses the apparatus of claim 93, wherein the notification includes an image from a camera. Venkatraman et al further teaches images are included on the notification page (column 4, lines 4-10).

Claim 98 discloses an apparatus comprising: at least one sensor configured to monitor environmental conditions ambient to rack mounted computer equipment, the at least one sensor selected from a group consisting of a temperature sensor and a humidity sensor; a housing configured for mounting to an equipment rack, the housing including: a plurality of processors, at least one processor of the plurality of processors responsive to the at least one sensor; at least one network interface responsive to at least one processor of the plurality of processors and configured for communication with a distributed computing network; a power control interface responsive to at least one processor of the plurality of processors and configured to access power management equipment; a web server responsive to at least one processor of the plurality of processors and configured to provide a web page associated with information derived from the at least one sensor; an email module responsive to at least one processor of

the plurality of processors and configured to send notification of events associated with the at least one sensor; a simple network management protocol module responsive to at least one processor of the plurality of processors and configured to communicate with computer equipment external to the housing; and a modem responsive to at least one processor of the plurality of processors and configured to access a telephone line.

Beheshti et al teaches sensors monitor environmental conditions (figure 1 and column 7, lines 53-59), a microprocessor controls the device (column 7, lines 8-28), the device includes a network interface (column 5, line 54 - column 6, line 17), the device includes a power card interface (column 5, line 54 - column 6, line 17), the devices uses SNMP to send messages (column 7, lines 29-42), and the devices includes a modem (column 5, line 54 - column 6, line 17). It fails to teach a web server responsive to at least one processor of the plurality of processors and configured to provide a web page associated with information derived from the sensor, and an email module responsive to at least one processor of the plurality of processors and configured to send notification of events associated with the sensor. Venkatraman et al teaches the device's data is displayed on a web page (column 4, lines 4-10), and the notifier sends an email as an event notification (column 3, lines 54-64).

Beheshti et al and Venkatraman et al are analogous art because they are both related to event notifications.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the web page display and email notification features in Venkatraman et al with the system in Beheshti et al because costs are reduced by

having the web functionality embedded in the device (Venkatraman, column 2, lines 12-18).

Claim 100 discloses the apparatus of claim 98, further comprising a back-up power source configured to provide back-up power to the plurality of processors. Beheshti et al further teaches the device includes a battery back up for the processor (column 7, lines 8-28).

Claim 102 discloses the apparatus of claim 98, wherein the notification includes an image from a camera. Venkatraman et al further teaches images are included on the notification page (column 4, lines 4-10).

Claim 103 discloses an apparatus comprising: at least one sensor configured to monitor environmental conditions ambient to monitored computer equipment, the at least one sensor selected from a group consisting of a temperature sensor and a humidity sensor; a housing configured for mounting to an equipment rack, the housing including: a web server configured to provide a web page having information derived from the at least one sensor; an email module configured to send email; a simple network management protocol module configured to communicate using a simple network management protocol; a modem configured to access a telephone line and configured to selectively send data to a pager; at least one network interface configured to access a distributed computer network; and an alarm module responsive to the at least one sensor and configured to send an alarm notification, the alarm notification communicated by at least one of the email module, the simple network management protocol module, and the modem. Beheshti et al teaches sensors monitor

environmental conditions (figure 1 and column 7, lines 53-59), the device uses SNMP to send messages (column 7, lines 29-42), the device includes a modem (column 5, line 54 - column 6, line 17), the device includes a network interface (column 5, line 54 - column 6, line 17) and the device sends event notifications using SNMP (column 7, lines 29-32). It fails to teach a web server configured to provide a web page having information derived from the at least one sensor, and an email module configured to send email. Venkatraman et al teaches the device's data is displayed on a web page (column 4, lines 4-10), and the notifier sends an email as an event notification (column 3, lines 54-64).

Beheshti et al and Venkatraman et al are analogous art because they are both related to event notifications.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the web page display and email notification features in Venkatraman et al with the system in Beheshti et al because costs are reduced by having the web functionality embedded in the device (Venkatraman, column 2, lines 12-18).

Claim 104 discloses the apparatus of claim 103, wherein the web server is configured to incorporate camera image data into the web page. Venkatraman et al further teaches images are included on the notification page (column 4, lines 4-10).

Claim 105 discloses the apparatus of claim 103, wherein the alarm notification is communicated by at least one of the email module, the simple network management protocol module, and the modem during a common time period. Beheshti et al further

teaches the device sends the event notification when triggered by the appropriate method (column 7, line 53 – column 8, line 45).

Claim 106 discloses the apparatus of claim 103, wherein the alarm notification is communicated by at least one of the email module, the simple network management protocol module, and the modem substantially simultaneously. Beheshti et al further teaches the device sends the event notification by an available connection (column 7, line 53 - column 8, line 45).

Claims 107 - 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beheshti et al (US Patent #5,995,946) Venkatraman et al (US Patent #6,139,177) in view of Hunter et al (US Patent #6,363,422).

Claim 107 discloses an apparatus comprising: a housing configurable for mounting to an equipment rack, the housing including: a temperature sensor; a humidity sensor; an acoustic sensor; an airflow sensor; at least one external sensor interface configured to connect to an external sensor, the external sensor configured to monitor environmental conditions ambient to monitored computer equipment; a web server configured to provide a web page having information derived from at least one of the temperature sensor, the humidity sensor, the acoustic sensor, the air flow sensor, and the external sensor; a simple network management protocol module configured to communicate using a simple network management protocol; at least one network interface responsive to the simple network management protocol module and configured to access a distributed computer network; and an alarm module responsive to at least one of the temperature sensor, the humidity sensor, the acoustic sensor, the

air flow sensor, and the external sensor and configured to send an alarm notification via the web server. Beheshti et al teaches the device has temperature and humidity sensors (column 7, line 53 – column 8, line 5), the device monitors external sensors (column 6, lines 18-38), the device uses SNMP to send messages (column 7, lines 29-42), the device includes a network interface (column 5, line 54 - column 6, line 17), and the device sends event notifications in response to a sensor (column 7, lines 29-32). It fails to teach an acoustic sensor, an airflow sensor, a web server configured to provide a web page having information derived from at least one of the temperature sensor, the humidity sensor, the acoustic sensor, the air flow sensor, and the external sensor; a simple network management protocol module configured to communicate using a simple network management protocol. Venkatraman et al teaches the device's data is displayed on a web page (column 4, lines 4-10).

Beheshti et al and Venkatraman et al are analogous art because they are both related to event notifications.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the web page display feature in Venkatraman et al with the system in Beheshti et al because costs are reduced by having the web functionality embedded in the device (Venkatraman, column 2, lines 12-18).

Beheshti et al in view of Venkatraman et al teaches the limitations as recited above. It fails to teach an acoustic sensor and an airflow sensor. Hunter et al teaches having sensors to detect physical parameters and generate sensor signals

representative of detected physical parameters (column 6, lines 6-31 and column 9, lines 20-61).

Beheshti et al in view of Venkatraman et al and Hunter et al are analogous art because they are both related to remote device management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the sensors in Hunter et al with the system in Beheshti et al in view of Venkatraman et al because remote operations through the Internet for facilities management is provided (Hunter, column 1, lines 6-9, and column 3, lines 20-33).

Claim 108 discloses the apparatus of claim 107, further comprising an email module configured to send email. Venkatraman et al further teaches the notifier sends an email as an event notification (column 3, lines 54-64).

Claim 109 discloses the apparatus of claim 108, wherein the alarm module is configured to send an alarm notification via email. Venkatraman et al further teaches the event notification is sent through email (column 3, lines 54-64).

Claim 110 discloses the apparatus of claim 107, further comprising an interface configured to access an external camera. Hunter et al further teaches monitoring with a camera (column 9, lines 42-61).

Claim 111 discloses the apparatus of claim 110, wherein the alarm notification includes an image from the external camera. Venkatraman et al further teaches images may be included in the notification (column 4, lines 4-10).

Claim 112 discloses the apparatus of claim 107, wherein the web server is configured to incorporate camera image data into the web page. Venkatraman et al further teaches image data is displayed (column 4, lines 4-10).

Claim 113 discloses the apparatus of claim 107, further comprising a door position sensor. Hunter et al further teaches the use of contact sensors for a security system (column 9, lines 42-61).

Claim 114 discloses the apparatus of claim 113, wherein the alarm module is responsive to the door position sensor. Hunter et al further teaches the system sends a notification in response to the alarm system (column 6, lines 6-31).

Claims 94, 96, 99 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beheshti et al (US Patent #5,995,946) in view of Venkatraman et al (US Patent #6,139,177) as applied to claims 93 and 98 above, and further in view of Hunter et al (US Patent #6,363,422).

Claim 94 discloses the apparatus of claim 93, further comprising audio circuitry configured to monitor auditory conditions and provide an audio signal. Beheshti et al in view of Venkatraman et al teaches the limitations of claim 93 as recited above. It fails to teach comprising audio circuitry configured to monitor auditory conditions and provide an audio signal. Hunter et al teaches a security system with video cameras which includes microphones (column 9, lines 42-61).

Beheshti et al in view of Venkatraman et al and Hunter et al are analogous art because they are both related to remote device management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the sensors in Hunter et al with the system in Beheshti et al in view of Venkatraman et al because remote operations through the Internet for facilities management is provided (Hunter, column 1, lines 6-9, and column 3, lines 20-33).

Claim 96 discloses the apparatus of claim 93, further comprising a camera. Beheshti et al in view of Venkatraman et al teaches the limitations of claim 93 as recited above. It fails to teach comprising a camera. Hunter et al teaches including a camera (column 9, lines 42-61).

Beheshti et al in view of Venkatraman et al and Hunter et al are analogous art because they are both related to remote device management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the camera feature in Hunter et al with the system in Beheshti et al in view of Venkatraman et al because remote operations through the Internet for facilities management is provided (Hunter, column 1, lines 6-9, and column 3, lines 20-33).

Claim 99 discloses the apparatus of claim 98, further comprising audio circuitry configured to monitor auditory conditions and provide an audio signal. Beheshti et al in view of Venkatraman et al teaches the limitations of claim 98 as recited above. It fails to teach comprising audio circuitry configured to monitor auditory conditions and provide an audio signal. Hunter et al teaches a security system with video cameras which includes microphones (column 9, lines 42-61).

Beheshti et al in view of Venkatraman et al and Hunter et al are analogous art because they are both related to remote device management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the sensors in Hunter et al with the system in Beheshti et al in view of Venkatraman et al because remote operations through the Internet for facilities management is provided (Hunter, column 1, lines 6-9, and column 3, lines 20-33).

Claim 101 discloses the apparatus of claim 98, further comprising a camera. Beheshti et al in view of Venkatraman et al teaches the limitations of claim 93 as recited above. It fails to teach comprising a camera. Hunter et al teaches including a camera (column 9, lines 42-61).

Beheshti et al in view of Venkatraman et al and Hunter et al are analogous art because they are both related to remote device management.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the camera feature in Hunter et al with the system in Beheshti et al in view of Venkatraman et al because remote operations through the Internet for facilities management is provided (Hunter, column 1, lines 6-9, and column 3, lines 20-33).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 93, 98, 103, and 107 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,714,977. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 93, 98, 103, and 107 cover the scope of claim 1 in U.S. Patent 6,714,977.

Response to Arguments

Applicant's arguments filed October 10, 2008 have been fully considered but they are not persuasive.

Applicant asserts Beheshti et al teaches away from a combination with Venkatraman et al. The Examiner respectfully disagrees, Venkatraman et al teaches of managing a device by providing web page to the user (column 4, lines 4-10), in addition Beheshti et al teaches the device provides a user with a display of information using integrated software (column 2, lines 57 - column 3, line 2), these features show both references provide user data from the device itself.

Applicant asserts the prior art does not include a plurality of processors. The Examiner respectfully disagrees. Beheshti et al teaches the device has a controlling microprocessor along with input and output providing cards which are known to process data (column 5, line 54 - column 6, line 17).

Applicant asserts the prior art does not disclose a housing including a temperature sensor, a humidity sensor, an acoustic sensor, and airflow sensor, and at least one external sensor interface configured to connect to an external sensor. The Examiner respectfully disagrees, Beheshti et al teaches the device has temperature and humidity sensors (column 7, line 53 – column 8, line 5), and the device monitors external sensors (column 6, lines 18-38). Hunter et al teaches having sensors to detect physical parameters and generate sensor signals representative of detected physical parameters, the sensors include an airflow sensor used for environmental or

health/safety/fire equipment and a acoustic sensor used for health/safety/fire or security equipment (column 6, lines 6-31 and column 9, lines 20-61).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is (571)272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J Gillis
Examiner
Art Unit 2441

/B. J. G./
Examiner, Art Unit 2441
12/18/2008

/Larry D Donaghue/
Primary Examiner, Art Unit 2454